

REMARKS

Claims 10-15 are pending in this application. Claims 10 and 12 have been amended. Support for the new language in claim 10 can be found in original claim 11 and in paragraphs 0036, 0040, 0047, and 0048 of the specification of the application. No new matter has been added.

The undersigned representative of the Applicant appreciates the courtesies extended by the Examiner in an in-person interview conducted on January 19, 2006. In the interview, Applicant's attorneys suggested amendments to overcome the prior art and to clarify the claimed invention. The proposed amendments regard reciting two separate devices. The first device comprises delivering a plurality of dots and the second device comprises generating the sample aerosol and simultaneously delivering the aerosol to the plurality of dots of the assay. The Examiner indicated that such an amendment should overcome the prior art and stated that a new search and consideration would be given should the proposed amendments be submitted in an RCE. By way of these Remarks, applicant hereby independently makes the interview of record, again with thanks.

35 U.S.C. § 112, second paragraph, rejection

Claims 10-15 stand rejected under 35 U.S.C. 112, second paragraph, for indefiniteness. In the rejection, it is asserted that in claim 12, the preamble claims "subcomponent," but claim 10, from which claim 12 depends, claims an "assay system," and thus it is unclear whether claim 12 is claiming an assay system or components.

Claim 12 has been amended to recite "assay system," thus overcoming this rejection.

35 U.S.C. § 102 rejections

Claims 10-14 stand rejected under 35 U.S.C. 102(b) for asserted anticipation by Tisone for the reasons provided at pages 2-4.

Claims 10, 11 and 15 stand rejected under 35 U.S.C. 102(b) for asserted anticipation by French et al. for the reasons provided at pages 4-5.

Applicants respectfully traverse these rejections and request that the rejections be reconsidered and withdrawn.

Claim 10 has been amended to recite that the assay system is comprised of two separate computer-controlled devices, the first computer-controlled device for the application of reactant dots and the second computer-controlled device for generating a biological sample aerosol. Claim 10 has been further amended to recite that the first set of computer-controlled reactant dot applicators creates a plurality of reaction spots and that the aerosolized biological sample droplets are applied simultaneously onto the reaction spots by the second, separate computer-controlled device.

With respect to the Tisone reference, Tisone discloses a single reagent dispensing apparatus for dispensing atomized chemical reagents onto a membrane in order to form a diagnostic test strip. Applicants submit that nowhere does Tisone teach or suggest an assay system comprised of two separate computer-controlled devices in which the first computer-controlled device applies reactant dots onto a microarray and the second computer-controlled device generates and applies a biological sample aerosol. Furthermore, Tisone does not teach or suggest that the aerosolized biological sample droplets are applied simultaneously onto the reactant dots by the second, separate computer-controlled device.

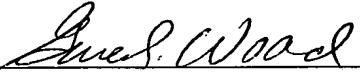
With respect to the French et al. reference, French et al. disclose a single apparatus for producing a stream of flowing carrier gas and a stream of small droplets in which the droplets are heated in the carrier gas to produce dry particles that can be analyzed in a suitable analyzer. As with Tisone, nowhere do French et al. teach or suggest an assay system comprised of two separate computer-controlled devices in which the first computer-controlled device applies reactant dots onto a microarray and the second computer-controlled device generates and applies a biological sample aerosol. Nor do French et al. teach or suggest that the aerosolized biological sample droplets are applied simultaneously onto the reactant dots by the second, separate computer-controlled device.

Application No. 10/036,066
Paper Dated February 13, 2006
In Response to Office Action dated August 26, 2005
Attorney Docket No. 3936-011568

In view of the foregoing remarks, it is respectfully submitted that all of the pending claims in the present application comply with the requirements of Sec. 112 and are distinguishable from the cited prior art. Accordingly, reconsideration and withdrawal of the rejection and an early Notice of Allowance are respectfully requested.

Respectfully submitted,

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